



**DEPARTMENT OF PERSONNEL**

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**MEMO PERD #16/00**

**June 2, 2000**

**PERSONNEL COMMISSION MEETING**

**Minutes of March 3, 2000**

**Carson City, Nevada**

**I. CALL TO ORDER**

The meeting was called to order by Chairman Manos at 9:07 am, March 3, 2000, at the Legislative Building, Carson City. Members present: Chairman Ted Manos, Commissioners Claudette Enus, Teo Gamboa, James Skaggs, and Victoria Riley. Also present were: Jeanne Greene and Carol Thomas from the Department of Personnel. Jim Spencer, representing the Attorney General's office, was available by telephone.

**II. \*ADOPTION OF AGENDA**

Chairman Manos indicated that Item V - Prohibitions and Penalties from the Department of Motor Vehicles & Public Safety, Parole and Probation Division, had been removed from the agenda. Commissioner Skaggs' motion to adopt the agenda was seconded by Commissioner Riley and unanimously carried.

**III. \*MINUTES OF PREVIOUS MEETING**

The minutes of the December 16, 1999, Personnel Commission meeting were approved by acclamation.

**IV. \*HEARING OFFICERS' CONTRACTS**

*Consideration of Recruitment or Renewal of Existing Contracts*

Commissioner Gamboa's motion to approve the renewal of existing contracts was seconded by Commissioner Skaggs and carried with Commissioner Riley voting against the motion.

**V. \*CLASSES SUBJECT TO PRE-EMPLOYMENT SCREENING FOR CONTROLLED SUBSTANCES**

*University of Nevada, Reno, Fire Science Academy*

The University of Nevada, Reno, requested the following positions at the Fire Science Academy be approved by the Commission for pre-employment drug testing: Training Officer I & II, Maintenance Repair Worker I-IV, Facility Supervisor I-IV, Facility Attendant, Safety Specialist I & II. Commissioner Skaggs' motion to approve the positions for pre-employment drug testing was seconded by Commissioner Riley and unanimously carried.

**VII. \*CLASSIFICATION APPEALS**

**A. Robert Petersen, Data Base Management Specialist III**

**B. Alan Rogers, Data Processing Manager I**

*Technology Division, Department of Motor Vehicles & Public Safety*

Robert Petersen was requesting reclassification to a Data Base Management Specialist IV, grade 41, and Alan Rogers requested reclassification to Data Processing Manager II, grade 44. Mr. Rogers stated their primary issues involved the size and scope of the data processing function in public safety and their functions within that system. He introduced John Turcich, Systems and Communications Manager, and Kathy Comba, Applications Development Manager.

John Turcich provided an overview of the system which supports State and federal agencies with a variety of law enforcement information. He stated when their system is not available, it has a direct impact on the day-to-day operations of law enforcement, courts, corrections, and many State agencies.

Kathy Comba addressed the complexity of developing applications within the Oracle system and the scope of their projects.

Commissioner Gamboa asked how the appellant's positions had changed.

Mr. Rogers explained that several reorganizations had occurred since the occupational group study was implemented in 1995. They had been assigned the responsibility for consolidating and coordinating data processing for additional agencies; they operate independently from the Department of Information Technology (DOIT); and their budget and staff had increased. He added that positions upgraded in other agencies were performing the same functions; however, their positions operated in a more complex environment. Mr. Rogers added they had to learn two additional programming languages.

Wally Voskuil, Supervisory Personnel Analyst, Department of Personnel, introduced Jim Demme, Data Processing Manager, Department of Transportation. Mr. Demme was one of the subject matter experts (SME) used for the study, and the appellant's were invited to present their cases before the SME committee which helped the Department of Personnel reach their determinations. Mr. Voskuil recommended Mr. Petersen's position be classified as a Database Management Specialist III, grade 39. At the time, there was only one position in State service classified at Database Management Specialist IV, and it was located at DOIT. Mr. Voskuil agreed there had been significant growth for all data processing positions within State agencies; however, the duties assigned to Mr. Petersen's position did not meet the concepts for Database Management Specialist IV because that position manages databases for several State agencies, not just one, and had several lower levels of Database Management Specialists reporting to it.

Discussion continued regarding the comparisons, natural growth, and technological aspects of the appellant's positions.

Mr. Voskuil addressed Mr. Rogers' position stating there had been some minor changes in the percentage of time for the various principal assignments, but the principal assignments had remained basically the same. Mr. Voskuil compared Mr. Rogers' position to another Data Processing Manager I in the Field Services Division of the Department of Motor Vehicles. Both positions had experienced growth in their duties and an increase in complexity; however there had not been significant change since the implementation of the occupational study. Mr. Voskuil asked the Commission to deny the appeals.

Mr. Rogers explained the one of the differences between their positions and those at DOIT was that DOIT staff managed networks, while they managed a mainframe system and networks.

After additional clarifying questions, Commissioner Skaggs' motion to approve the appeals was seconded by Chairman Manos and carried with Commissioners Gamboa and Enus voting against the motion.

**C. (4) MANAGER I, REGISTERED PROFESSIONAL ENGINEERS**

**Kelly Anrig, Frank Csig, Jesse Galvan, and Rand Pollard**

*Department of Transportation*

Susan Martinovich, Assistant Director, Department of Transportation (NDOT), explained the complexity of NDOT highway projects, as well as the level of responsibility assigned to projects within the last five years. The changes in project management were due to tremendous growth and the demand for a more proactive approach in coordinating them. The increase in the number of large and complex projects had occurred with staffing levels remaining stable. As a result, a variety of

higher-level duties had been delegated to the Manager I, Registered Professional Engineers (RPE), Supervisor III, Associate Engineer, and Supervisor II, Associate Engineer positions. The delegation of higher-level duties was necessary to produce \$400,000,000 worth of projects per year. She stated that NDOT recommended re-establishment of the highway engineering series which was abolished after the Engineering and Allied occupational group study in 1993.

Ms. Martinovich added the positions in the design divisions had experienced significant change in relation to the size, complexity and coordination necessary in the development of highway design projects. She stated NDOT management supported the reclassification of the positions.

Steve Oxoby, Chief Road Design Engineer, NDOT, reviewed the functions and organizational structure of the Road Design Division. He explained the appeal was based on significant change since the occupational study, and the duties and responsibilities of the Manager I, RPE, grade 41, were more complex than the Registered Professional Engineer (RPE), Highway Project Manager, grade 42. Mr. Oxoby explained that new federal acts had brought about sweeping changes in federal aid programs with an increased level of funding. He added that RPE, Highway Project Managers deal with consultant design only; however Manager I, RPE's dealt with design done in-house by their own staff and outside consultants.

Ms. Martinovich clarified there were similar comparisons in complexity of the Manager I, RPE's and RPE, Highway Project Manager projects. RPE, Highway Project Managers had been in their positions a year-and-a-half and were performing the duties intended, but now NDOT recognized those duties were similar to the Manager I, RPE in the Road Design Division.

Discussion continued regarding the similarity of projects managed by Manager I, RPE's and RPE, Highway Project Managers. Mr. Oxoby stated that even though they had projects as large as some of the "super" projects, they found that a project's cost and size did not always determine the complexity and coordination issues required to oversee project development through construction. The existing classification of RPE, Highway Project Manager could be used for the Manager I, RPE because they also provided project coordination. Mr. Oxoby clarified that RPE, Highway Project Managers develop projects and concentrate solely on them; whereas the Manager I, RPE's do that and juggle all kinds of other projects.

Reta Hanks, Personnel Analyst, introduced analysts Tewolde Habtemicael and Kris Ross representing the Department of Personnel. Ms. Hanks explained that approximately two years ago, NDOT requested a new classification for RPE, Highway Project Manager be created which would report directly to the Assistant Director. The new class would handle the largest and most complex projects having a cost of at least \$100,000,000 and

taking as long as ten years to complete. These positions would have more latitude in decision-making and a broader scope in managing projects from inception, planning, and construction. NDOT management felt this would help eliminate some of the project delays that had been encountered in the past. The RPE, Highway Project Manager, grade 42, was one grade higher than the Manager I, RPE. RPE, Highway Project Manager's work one-on-one with the Director, the Deputy Director, and the Assistant Director while the appellants must report through various levels of supervisory and management staff to obtain final decisions and approvals. Ms. Hanks explained the duties and responsibilities and the consultant administration emphasized in the appellant's NPD-19 were clearly defined in the class concept for Manager I, RPE.

Ms. Hanks pointed out the impact grade level change would have on engineering positions working in bridge design, hydraulics, environmental services, traffic engineering, materials, maintenance and construction as well as other engineers working at the Divisions of Environmental Protection, Water Resources, Waste Management, Air Quality, Mining and Consumer Protection. Ms. Hanks requested the Commissioners to uphold the determination made by the Department of Personnel.

Commissioner Enus stated concern about the overall impact of their decision regarding these positions and felt there were some significant points regarding the other two appeals on the agenda which needed consideration.

After discussion, the Commissioners asked to hear the remaining NDOT appeals before making their decisions.

**D. (7) SUPERVISOR III, ASSOCIATE ENGINEERS**

**John Bradshaw, Dennis Coyle, Jeff Hale, Ron Marwin, Glenn Petrenko,  
Scott Rawlins, and Paul Sinnott**

***Department of Transportation***

Frederick Drees, Chief Engineer, Safety and Traffic, NDOT, stated the Supervisor III, Associate Engineers, were performing higher level duties not addressed in the class specification and were not being fairly compensated when compared to other similar positions within NDOT. He identified the following new duties the Supervisor III, Associate Engineers were performing which were described in the Manager I, RPE and RPE, Highway Project Manager class concepts:

- Direct and manage consulting engineering firms; negotiate fees; project schedules, and implement/monitor contracts.
- Negotiate legal agreements.
- Establish and write provisions.
- Coordinate provisions with all parties to the agreement, and resolve any disputes; obtain signatures and reviews.

- Construction coordination; assist, write and process change orders; resolve conflicts; represent division at construction meetings.
- Manage projects requiring judgment and analysis of complex data.

Reta Hanks, Personnel Analyst, Department of Personnel, explained the appellants were asking for a two-grade increase; however, many of their current duties were included in the questionnaire submitted for the 1993 occupational study. At that time, the positions were upgraded from grade 37 to grade 38. Upgrading them again would mean a three-grade increase within seven years. Ms Hanks explained the 1993 study created two types of highway engineers at grade 38: the Staff III, RPE, which required licensure, and the unlicensed Supervisor III, Associate Engineers.

If this appeal was granted it would affect 96 other engineers at grade 38, especially the licensed positions. Both classes do consultant administration; however, the Supervisor III, Associate Engineers perform the duty 35 percent of the time whereas Staff III, RPE's perform the same function 45 percent of the time. Thus, the appellants are asking to be upgraded two grades above the licensed Staff III, RPE's performing the same function at a greater percentage of time. Desk audits revealed managing a licensed consultant is no more complex than managing an in-house design squad of one to three positions. Ms. Hanks explained the reporting relationships and stated the multiple layers of management oversight limit the independence and consequence of error for Supervisor III, Associate Engineers.

The appellants had also compared their positions to the RPE, Highway Project Manager, grade 42; however, the Director of NDOT and three Personnel Analysts from the Department of Personnel had confirmed there was a distinction between the positions. Steps taken to complete a smaller project assigned to the Supervisor III, Associate Engineer may be similar to those of the RPE, Highway Project Manager, but the Supervisor III, Associate Engineer did not work with the same authority and scope of decision-making nor were they responsible for projects from beginning to end or the coordination across divisional lines. Based on these comparisons, the many levels of management oversight, and the lack of significant change in duties since the occupational study, Ms. Hanks asked the Commissioners to deny the appeal.

Discussion continued on reporting relationships, duties, licensure requirements and minimum qualifications.

Chairman Manos addressed the pay inequities of State employees compared with some Nevada cities, counties and private sector businesses. He suggested writing a letter to the Governor from the Personnel Commission to raise awareness of the pay issues being brought before them. Chairman Manos asked for the Supervisor II, Associate Engineer's to make their presentation.

**E. (20) SUPERVISOR II, ASSOCIATE ENGINEERS**

**Monte Bliss, Robert Bratzler, Casey Connor, Steve Glodowski, Debra Hill, Hoang Hong, Denise Inda, John Koser, Robert Kvam, Jeff Lerud, Ken Mammen, Thomas Rutherford, Jay Van Sickie, and Jereen Wolverton**  
*Department of Transportation*

Mr. Dries also represented this group emphasizing the significant change in duties resulting from the trickle-down effect of projects because of workload and complexity. Supervisor II, Associate Engineer's were spending 50 percent of their time developing or assisting in *Requests for Proposal* packages for consulting engineering firms; assisting in preparing and negotiating legal agreements; assisting in conflict resolution during preliminary design phases; and representing the department at public hearings and informational meetings. Mr. Dries stated they believed the solution was to reestablish the highway engineering series in order to adequately compensate the Supervisor II, Associate Engineer's.

Kris Ross, Personnel Analyst, Department of Personnel, stated they found the positions were performing within the class concepts for Supervisor II, Associate Engineer; and without significant change, they were not able to accommodate the request to establish a new class specifically for these 20 positions and the positions above them. The multiple layers above the positions illustrated the level of independence in decision-making at lower levels. Any movement in grade level of these 20 positions could have a serious impact on, and create internal inequities for the other 22 Supervisor II, Associate Engineer's at NDOT.

Chairman Manos asked additional questions of NDOT regarding the grade alignment if they were to grant appeals VII-C, D and E.

Commissioner Enus read an excerpt from a letter dated February 1, 2000, from NDOT Director, Tom Stephens, to Jeanne Greene which addressed complexity of assignments and reporting relationships. Mr. Stephens had stated that any of the positions could be assigned to manage a project, and they were commonly referred to as the 'Project Manager' which represented a semantics problem when comparing them to the RPE, Highway Project Manager class.

Commissioner Enus explained she was having difficulty reaching a decision that there had been significant change to grant the appeal. She was reluctant to make a motion because she believed the appellant's warranted consideration for an increase in salary; however, she moved to deny the appeals of the Manager I, RPEs, Supervisor III, Associate Engineers and Supervisor II, Associate Engineers. Commissioner Enus added she wasn't sure the Commission was the proper forum to grant salary increases.

Commissioner Gamboa seconded the motion and explained the domino effect of granting the appeals was overwhelming and he didn't think, as Commissioners, they could ignore it.

Chairman Manos called for a vote and appeals VII-C, D and E were unanimously denied.

Chairman Manos added it would be appropriate to include a transcript of these appeals with the Commissioner's letter to the Governor as well as to the Legislature.

Due to time constraints for management representing appeal VII-G, it was heard before appeal VII-F.

**G. (14) MENTAL RETARDATION TECH IV'S**

**Mary Arcaro, Eddie Bell, Joe Bokros, Rose Fairchild, Danny Holmes-Gull, Doris Kramer, Jake McDaniel, Shelley Moisa, Bill Morrison, Jesus Pavia, Gari Walker, and Wendell Walker**

*Division of Mental Health Developmental Services*

*Department of Human Resources*

Kathy Naumann, Business Agent, Teamsters Local 14, represented the appellants. She stated they were asking for a five percent increase for obtaining and maintaining the certification required by NRS 433.279 and NAC 433.060. She explained the Department of Personnel was currently performing an occupational group study which included these positions; however, Ms. Naumann felt the appellants needed to be compensated immediately. Per regulation, they were currently granted administrative leave with pay during regular working hours or overtime after hours for their coursework.

Chairman Manos asked if they were withdrawing their request for an upgrade from grade 28 to 30 in lieu of a five percent raise and Ms. Naumann replied she would leave the technical aspects of implementing the increase to the Department. Jeanne Greene clarified with Ms. Naumann that the appellant's were now asking for an upgrade from 28 to 29 instead of their original request to grade 30.

Ms. Greene added there was no regulation for granting a special salary adjustment in this instance. Chairman Manos telephoned Jim Spencer who concurred with Ms. Greene's statement. However, Mr. Spencer stated the Commission could grant a one-grade increase now. With the legal question answered, Chairman Manos proceeded to the Department's presentation.

Ken Goodly, Personnel Analyst, Department of Personnel, explained the legislative mandated certification did not apply solely to the appellant's positions. Because the



current occupational group study of Forensic Specialists, Mental Retardation Technicians, and Mental Health Technicians consisted of over 500 positions, the impact of the Commission's decision on this appeal could create inequities. Since the study would look at issues such as certification and knowledge, skills and abilities, the Department of Personnel asked the Commission to uphold the original determination and wait for the completion of the study in the fall of 2000.

Discussion continued on the impact of granting the appeals, the issue of retroactive pay for the 14 appellants, and the number of hours of coursework required through either the University and Community College System or Division of Mental Health & Developmental Services.

Commissioner Enus stated that she would prefer to wait for the results of the occupational group study. Commissioner Skaggs' motion to deny the appeals was seconded by Commissioner Enus and unanimously carried.

**F. ADMINISTRATOR II, REGISTERED PROFESSIONAL ENGINEERS**

**Eugene Weight, Richard Nelson, and Chris Beck**

*Department of Transportation*

Richard Nelson, Administrator II, RPE (District Engineer), Department of Transportation, explained there had been significant change in their duties due to population growth over the past ten years. Federal highway legislation had also changed their responsibilities associated with minimizing traffic delays, rapid response to issues impacting mobility, and development of partnerships with various units of government. In addition to responsibilities of general district administration, and the administration of construction and maintenance programs, a whole new area of responsibility for engineering administration had been added. Administration of an engineering program involved direct oversight for minimizing traffic delays during construction and maintenance activities, during construction of private projects such as major casinos and commercial and residential developments, and during special community events and motion picture filming.

Districts now had the authority and responsibility for developing, designing, awarding and administering smaller construction projects which was previously handled by the Assistant Director of Engineering. The development of an engineering program within the districts was not natural growth, but represented a change from a maintenance and construction focus to one of complete management of the transportation activities within their districts. District Engineers now had the authority to approve position appointment justifications with respect to equal employment opportunity and affirmative action programs, and their authority to commit State funds to contract changes had risen from \$5,000 to \$200,000.

With regard to level of independence, the physical separation between District Engineers and their supervisor necessitated a higher degree of independence and autonomy and consequence-of-error was quickly realized through embarrassment to the department through the media, monetary impact to the State, tort liability and public safety.

Mr. Nelson added that in Ms. Greene's response to their appeal, she stated there had been change. They were managing more activities and dealt with issues similar in nature to those impacting Assistant Directors. They were not asking for reclassification to Assistant Director, but for the creation of a new class called District Administrator. They report to the Deputy Director who supports the reclassification request and believes the creation of this classification would clearly define the level of responsibility in administering a district-wide transportation program.

Discussion continued regarding the types of projects the appellant's administer.

Mark Anastas, Personnel Analyst, Department of Personnel, stated there had been an increased emphasis placed on the districts regarding resolution of contract disputes, traffic engineering, right-of-way occupancy permits, utility relocation, development, bidding/awarding small district contracts and contact with local city, county, civic and business leaders, ensuring transportation policies and procedures meet the needs of the district; however, the current class concepts fully covered the scope and complexity of these positions.

Mr. Anastas explained that out of nearly 18,000 classified positions, there were only five positions with grade levels higher than the Administrator II, RPE's. Two positions at grade 47 and three positions at grade 46. Without exception, all five positions had statewide authority and responsibility with respect to policies and procedures, consequence-of-error, scope of responsibility, program development and authority to act. Administrator II, RPE's did not have statewide authority or responsibility. They administered, conceptualized and developed programs under the direction of the Assistant Transportation Director, grade 47. The maintenance and construction activities in the districts, which comprised about 60 percent of their jobs, basically remained unchanged. Mr. Anastas explained that many of the duties delegated to the districts were handled by lower-level grades at headquarters. He compared their positions with a division chief in traffic engineering, grade 45, whose staff were conceptualizing and developing many of the programs implemented by the District Engineers.

Mr. Nelson gave examples of new technologies which were conceptualized, developed and constructed at the district levels and not from headquarters. Mr. Nelson added there had been significant change, particularly in the area of traffic control.

Christopher Beck, Administrator II, RPE, added they shouldn't be compared to the Assistant Directors because both classes report to the Deputy Director. They didn't

imply they had statewide responsibilities, but they had different responsibilities in comparison to the other Administrator II, RPE's within the department.

After additional clarification of the duties and responsibilities, Commissioner Enus felt the appellant's duties appeared to fit within the current class concepts and motioned to deny the appeal. Commissioner Gamboa seconded and it carried with Commissioners Skaggs and Riley voting against the motion.

**IX. UNCONTESTED CLASSIFICATION ACTION REPORT**

No action required.

**X. SELECTIVE CERTIFICATION**

No action required.

**XI. SPECIAL REPORTS**

Jeanne Greene referred to the last Commission meeting when the Commissioners asked for a report on classification appeal deadlines. Ms. Greene stated the regulation was clear and did not need to be revised. The Department was consistently following its guidelines. The Commissioners accepted the report.

Commissioner Enus stated she would like to draft a letter to the Governor and money committees of the Legislature, including a transcript of the meeting, expressing some of their concerns regarding compensation of highly competent staff. She additionally requested the Department of Personnel to look at the feasibility of conducting an occupational study for the engineering group within the next 12 months without adversely impacting other priority projects and report back at the next meeting.

Commissioner Skaggs suggested looking at alternative ways of conducting occupational studies, including how other state's conduct them. Jeanne Greene stated a committee had already been established to look at various methods. Commissioner Skaggs also suggested getting help from MBA student interns. Discussion continued regarding the lack of funding for interns.

Commissioner Skaggs inquired about the frequency of receiving Department of Personnel statistics. Jeanne Greene responded that since statistics were reported on an annual basis to the Legislature, they would do the same for the Commission unless they wanted it more often. Commissioner Skaggs stated he would like to have it quarterly. Ms. Greene replied it would be provided for each Commission meeting.

**XII. COMMENTS BY THE GENERAL PUBLIC**

There were none.

**XIII. SELECT DATE FOR NEXT MEETING**

The next meeting of the Personnel Commission was set for June 16, 2000, in Las Vegas.

**XIV. \*ADJOURNMENT**

Commissioner Skaggs' motion to adjourn the meeting was seconded by Commissioner Gamboa and unanimously carried. The meeting adjourned at 2:45 p.m.